

Session:08-14-2014  
 Division:  
 Court Type:  
 Courtroom:Huntington  
 Date:2014/08/14  
 Judge:Eifert, Cheryl A.

Case ID:0001

Case number:2:12-md-02327, 2:12-cv-09972, 2:12-cv-05201  
 Judge: Eifert, Cheryl A.  
 Courtroom Deputy: Mann, Sharon  
 Defendant: Ethicon, Inc.

**2014/08/14**

09:59:00 **System : Start Recording**  
 Record: Case Code:0001

09:59:00 **System : New Case**  
 Case: 2:12-md-02327, Ethicon, Inc.

09:59:33 **Annotation**  
 Deborah Marlin present  
 09:59:35 John R. Fabry present  
 09:59:43 David Thomas present  
 09:59:44 Philip Combs present  
 09:59:46 Anita Modale-Truran  
 09:59:47 N. Bert Snell present  
 09:59:48 Paul Rosenblatt, present  
 09:59:49 Fidelma Fitzpatrick present  
 09:59:56 Mark Miller present  
 09:59:58 Edward Wallace present  
 10:00:05 Nate Jones present  
 10:00:07 Jeff Kuntz present  
 10:00:09 Andy Faes present  
 10:00:24 DEPOSITION DESIGNATION HEARING - PART 1 OF 3

10:01:31 **System : Stop Recording**  
 Stop: Case Code:0001

10:02:24 **System : Start Recording**  
 Record: Case Code:0001

10:02:27 **Annotation**  
 Judge called to the bench by Courtroom Deputy  
 10:07:34 called case, noted appearances of counsel  
 10:10:06 Philip Combs has general discussion on witness Depositions

10:11:19 **Judge: Eifert, Cheryl A.**  
 discussion on procedures with the parties on today's hearing

10:14:40 **Annotation**  
 Philip Combs discussion about spoliation of computer  
 10:17:36 Nate Jones responds to Mr. Combs about spoliation

10:18:05 **Judge: Eifert, Cheryl A.**  
 Judge Eifert does not strike testimony in the Angelini deposition

10:18:56 **Annotation**  
 discussion continues with the parties on this deposition

10:24:01 **Judge: Eifert, Cheryl A.**  
 Judge grants motions to exclude testimony

10:24:40 **Annotation**  
 discussion continues with the parties  
 10:35:49 discussion on the Huntsicker email with the court and counsel

10:44:50 **Judge: Eifert, Cheryl A.**  
 grants motion to exclude email as an exhibit

10:49:43 **Annotation**  
 discussion continues with the parties regarding the court's ruling  
 10:52:45 addresses the Court that the parties have worked out objections  
 10:54:27 the parties ask for a few minutes to discuss the Huntsicker ruling  
 11:02:50 the Judge is back on the record about the Huntsicker ruling

11:05:03 **Judge: Eifert, Cheryl A.**  
 Judge Eifert discusses with the parties about previous rulings of Judge Goodwin

11:05:03

11:07:04 **Annotation**  
 Philip Combs addresses the court about the issues they are bringing before the

11:07:04 Court and Judge Goodwin's previous rulings  
11:08:40 discussion continues about the rulings with the parties  
11:09:26 discussion on Dr. Chinn's notes and exhibits in her video deposition

11:18:00 **Judge: Eifert, Cheryl A.**  
denies request to exclude and the parties agree to redact the percentages contained  
11:18:00 in the exhibit

11:21:50 **Annotation**  
the partes continue to discuss Dr. Chinn's testimony with the parties  
11:30:08 Bert Snell addresses the Court regarding the Jim Hart transcript  
11:35:18 Nate Jones addresses the Court and responds to Mr. Snell  
11:41:01 discussion continues on these issues  
11:42:08 Ed Wallace responds to the Court's question about tissue death in the Huskey case  
11:42:08

11:45:06 **Judge: Eifert, Cheryl A.**  
denies the request to exclude testimony

11:46:56 **Annotation**  
discussion continues on Mr. Hart's testimony

11:55:43 **Judge: Eifert, Cheryl A.**

12:02:31 **Annotation**  
Discussion on the Edwards case  
12:03:58 Ed Wallace discussion on deposition of Dr. Fitzgerald  
12:05:59 Anita Modak-Truran gives background on Dr. Fitzgerald  
12:07:58 Fidelma Fitzpatrick's response to Ms. Modak-Truran's background information  
12:14:20 the court continues to discuss the deposition of Dr. Chinn  
12:28:07 discussion continues on Ms. Huskey's medical background  
12:44:50 the parties ask for a little time to discuss. Parties agree to take a short lunch.  
12:45:53 Court is recessed for lunch.

12:46:11 **System : Stop Recording**  
Stop: Case Code:0001

Session:08-14-2014  
 Division:  
 Court Type:  
 Courtroom:Huntington  
 Date:2014/08/14  
 Judge:Eifert, Cheryl A.

Case ID:0002

Case number:2:12-md-02327, 2:12-cv-09972, 2:12-cv-05201  
 Judge: Eifert, Cheryl A.  
 Courtroom Deputy: Mann, Sharon  
 Defendant: Ethicon, Inc. DEPOSITION DESIGNATION HEARING - PART 2 OF 3

**2014/08/14**

13:31:23 **System : Start Recording**  
 Record: Case Code:0002, New Case

13:31:24 **System : New Case**  
 Case: Ethicon, Inc.

13:31:32 **System : Stop Recording**  
 Stop: Case Code:0002

13:31:39 **System : Start Recording**  
 Record: Case Code:0002

13:31:49 **Annotation**  
 Deposition Designation Hearing continues

13:34:12 Judge called to the bench by Courtroom Deputy

13:34:21 Ed Wallace discussion on Dr. Wahl's deposition

13:42:34 the parties continue to discuss the video deposition

13:48:52 the parties will take 5 minutes to discuss the deposition

13:50:43 Ms. Fitzgerald ask for clarification from the court regarding deposition designations

13:50:43

13:54:24 Paul Rosenblatt addresses the Court regarding the deposition of Dr. Kirkemo

13:56:24 Andy Faes responded to Mr. Rosenblatt

14:00:21 the parties continue to discuss the deposition

14:00:42 **Judge: Eifert, Cheryl A.**  
 the Judge responds to the parties

14:04:42 **Annotation**  
 parties continue to discuss the issues with the Court

14:06:32 Mr. Fabry discusses case law with the Judge

14:07:25 Judge responds to the parites regarding case law

14:08:05 Court recessed.

14:08:43 **System : Stop Recording**  
 Stop: Case Code:0002

Session:08-14-2014  
 Division:  
 Court Type:  
 Courtroom:Huntington  
 Date:2014/08/14  
 Judge:Eifert, Cheryl A.

Case ID:0007

Case numbers:2:12-cv-02327, 2:12-cv-09972, 2:12-cv-05201  
 Judge: Eifert, Cheryl A.  
 Courtroom Deputy: Mann, Sharon  
 Defendant: Ethicon, Inc.

**2014/08/14**

15:07:33 **System : Start Recording**  
 Record: Case Code:0007, DEPOSITION DESIGNATION HEARING CONTINUES - PART 3 OF 3

15:07:33 **System : New Case**  
 Case: 2:12-cv-02327, Ethicon, Inc.

15:08:25 **Annotation**  
 Court reconvened

15:08:42 **System : Stop Recording**  
 Stop: Case Code:0007

15:09:55 **System : Start Recording**  
 Record: Case Code:0007

15:10:07 **Annotation**  
 Judge called to the bench by Courtroom Deputy  
 15:10:46 Paul Rosenblatt responded to the Court regarding the Kirkemo deposition  
 15:12:25 the parties continue to discuss the testimony  
 15:18:40 the parties discuss Dr. Rosenswag's report  
 15:52:09 brief recess

15:52:51 **System : Stop Recording**  
 Stop: Case Code:0007

15:56:13 **System : Start Recording**  
 Record: Case Code:0007

15:56:17 **Annotation**  
 court has reconvened  
 15:56:37 Ed Wallace reported to the Court about the progress in the Huskey case  
 16:00:00 John R. Fabry discusses Dr. Wilcolff  
 16:00:41 Anita Modak-Truran responded to Mr. Fabry  
 16:01:16 the parties continue to discuss the deposition  
 16:03:25  
 16:03:39 the parties continue to discuss the deposition of Dr. Wilcolff  
 16:06:20 John R. Fabry discusses a scheduling issue with the Court  
 16:08:52 Nate Jones and Bert Snell reported to the Court that they have worked out the  
 16:08:52 remaining issues on the Nager deposition  
 16:16:06 discussion on the time to start the hearing tomorrow with the parties  
 16:17:01 the Court will start in the morning at 9:30AM  
 16:17:34 Mr. Combs addressed the Court regarding his deposition designation  
 16:19:00 Mr. Kuntz responded to Mr. Combs  
 16:19:25 the parties continue their discussion with the Judge  
 16:21:11 Bert Snell wanted to identify the witnesses left on the list  
 16:23:49 Mr. Fabry responded  
 16:24:27 Hearing adjourned.

16:25:09 **System : Stop Recording**  
 Stop: Case Code:0007